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Intellectual Property Law

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DATE: May 3, 2006

TO: Examiner DINH, Ngoc V.
USPTO GPAU 2187

FAX NO.: 571-273-8300

FROM: Ryan S. Davidson
Reg. No. 51,596

RE: **STATEMENT ON INTERVIEW SUMMARY AND REQUEST FOR MAILING OF
REPLACEMENT FINAL OFFICE ACTION**

U.S. APP NO.: 09/963,861

FILING DATE: 09/26/2001

APPLICANT(S): Michael Frank et al.

ATTY DKT NO.: 1376-0100580

TITLE: SYSTEM FOR HANDLING MEMORY REQUESTS AND METHOD THEREOF

NO. OF PAGES (INCL. COVER SHEET): 3

Attached please find:

- ☒ Statement on Interview Summary and Request for Mailing of Replacement Final
Office Action (2 pgs)

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MAY 03 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael Frank et al.

Title: SYSTEM FOR HANDLING MEMORY REQUESTS AND METHOD THEREOF

App. No.: 09/963,861 Filed: 09/26/2001

Examiner: Ngoc V. Dinh Group Art Unit: 2187

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Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

STATEMENT ON INTERVIEW SUMMARY AND REQUEST FOR
MAILING OF REPLACEMENT FINAL OFFICE ACTION

Dear Sir:

The Applicant respectfully requests that the Office reissue an amended Final Office Action to replace the Final Office Action dated July 8, 2005 in the above-identified application.

While reviewing the Final Office Action dated July 8, 2005, the undersigned noted that the Final Office Action identified independent claim 19 as allowed while rejecting claims 20-25 and 27, which depend from allowed claim 19, in view of prior art. In view of this error in the Final Office Action, the undersigned contacted Examiner Dinh by telephone on or about September 8, 2005. During the telephone conversation, Examiner Dinh agreed that the Final Office Action was deficient and Examiner Dinh therefore agreed to replace the Final Office Action dated July 8, 2005 with a corrected Final Office Action. In reliance on Examiner Dinh's statements, the Applicants refrained from responding to the deficient Final Office Action in expectation of the issuance of the corrected Final Office Action. Between September 2005 and the March 2006, a number of voice messages were left with Examiner Dinh to inquire as to when

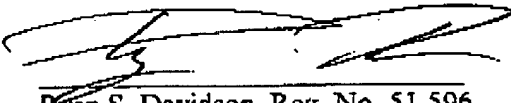
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<u>Ryan S. Davidson</u> Typed or Printed Name	<u>[Signature]</u> Signature

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the new Final Office Action could be expected. It is believed that Examiner Dinh did not return any of the voice messages. On or about March 9, 2006, Ms. Elaine Cox contacted Supervisory Patent Examiner Sparks to determine the status of the new Final Office Action. In the Interview Summary mailed April 3, 2006, Supervisory Patent Examiner Sparks summarized the interview with Ms. Cox and indicated that if substantive deficiencies existed in the Final Office Action, a new office action would be mailed to replace the Final Office Action of July 8, 2005. It is respectfully submitted that the erroneous identification of claims as rejected when they should be allowed, as present in the Final Office Action of July 5, 2005, is a substantive deficiency.

In view of the substantive deficiency present in the Final Office Action of July 5, 2005, and further due to the Applicants' reasonable reliance on Examiner Dinh's statement that a new Final Office Action would be forthcoming, the undersigned respectfully requests that a new Final Office Action replacing the Final Office Action of July 5, 2005 be mailed without delay.

Respectfully submitted,



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